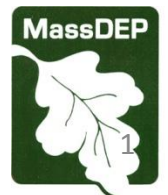


WSCAC Meeting Agenda

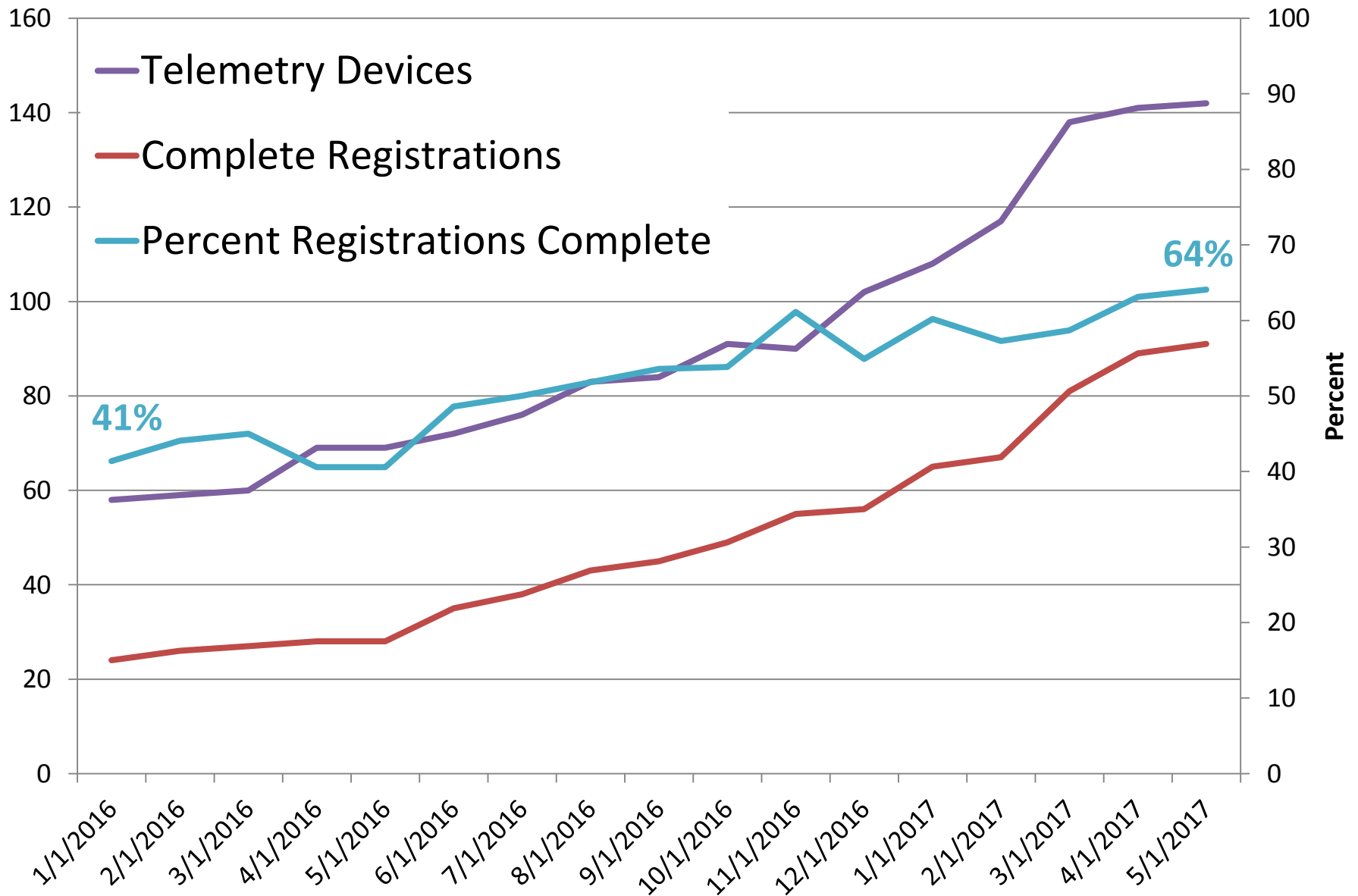
June 22, 2017

Times are approximate

- 9:30 General program updates (including TCE sites and MassDEP website and data portal) — Paul Locke
- 10:00 Per- and Polyfluoroalkyl Substances Toxicity Considerations — Mark Smith, ORS
- 10:25 Clean Energy Updates — Tom Potter, BWSC Clean Energy Coordinator
- 10:50 Natural Resource Damages Program Year in Review — Karen Pelto, NRD Coordinator
- 11:15 MCP Amendments Discussion: Temporary Solns and related requirements — Liz Callahan and Brian Roden



AEPM Telemetry Registration Compliance



Status Remote Telemetry Registrations – as of May 2017

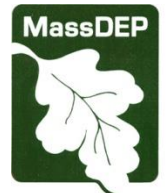
147 telemetry devices (72 RTNs) have completed the initial online registration step

- 91 devices are completely registered (shutdown/restart transmitted in an acceptable format
- 5 devices – AEPMM is no longer required to maintain NSR
- ➡ ■ 30 devices – working on formatting changes/haven't yet conducted shutdown restart tests/shutdown only
- ➡ ■ 21 devices – have not transmitted a recognizable notification



Remote Telemetry Compliance & Enforcement – Incomplete Registrations

- MassDEP's conducting audits (Screening & Level II)
- Issuing NONs for telemetry devices that are not functioning properly, and the PRP has
 - not responded to MassDEP's attempts to complete the registration (conduct the shutdown/restart test); or
 - failed to correct the system over a long period of time
- NONs require a successful shutdown/restart test **within 90 days of notice**
- If successful test is not conducted by deadline, MassDEP may invalidate PSC, TS, or ROS supported by the SSDs and remote monitoring system

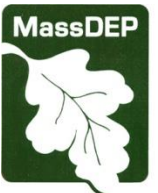


MCP Amendments Discussions – Temp. Solns and related requirements

- Today - Temp. Solutions and related requirements
- *Tomorrow* - 10 am to noon, Exposure Point
Concentration provisions (310 CMR 40.0926)

MCP Amendments – Temp. Solns and related requirements

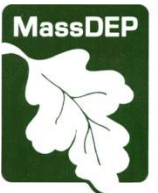
- Inconsistency and vagueness in the current provisions resulting in varying interpretations
 - Tier Classification extensions, Status Reports, Remedial Monitoring Reports, Periodic Reviews, timelines for next steps



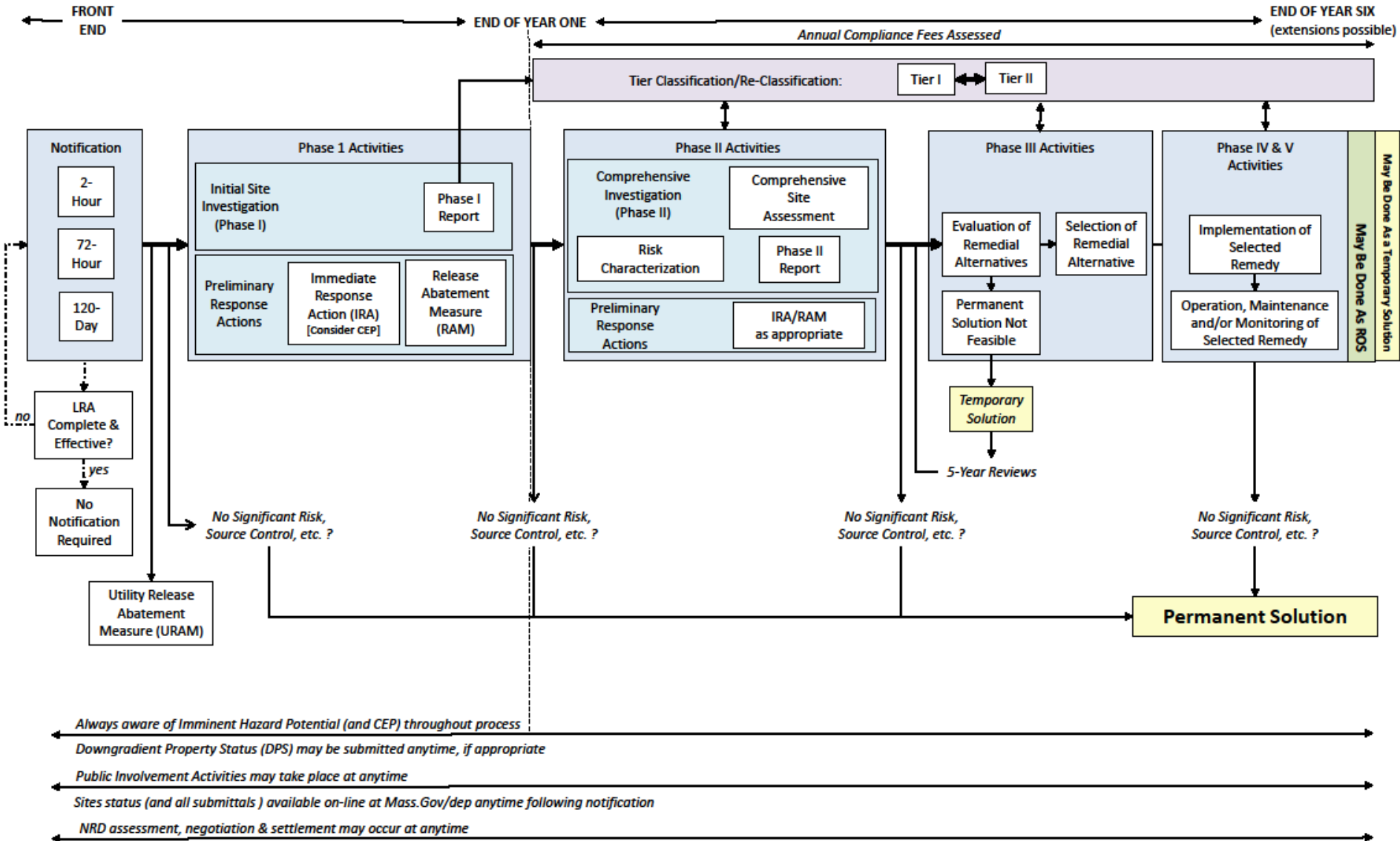
MCP Amendments – Temp. Solns and related requirements

Goal of amendments

- eliminate inconsistencies/clarify requirements
- make requirements appropriate (in terms of type and frequency) for the response actions occurring at sites with/after a Temporary Solutions



Streamlined MCP Process: Notification-to-Closure



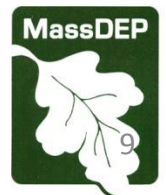
Relevant Provisions – Tier Classification

40.0560(1)(b) - An RP, PRP or Other Person shall not conduct **Comprehensive Response Actions pursuant to 310 CMR 40.0800** at a disposal site for which a Tier Classification has expired unless a Tier Classification Extension is obtained pursuant to 310 CMR 40.0560(7).

40.1050(5)(b) - a valid Tier Classification shall be in effect at the time the Temporary Solution Statement is submitted to the Department and further response actions shall be conducted in accordance with 310 CMR 40.0800. *(TS where PS is feasible)*

40.1067(7) - **Remedial actions** conducted after a Temporary Solution Statement has been submitted to the Department shall be conducted as a Phase IV Comprehensive Remedial Action, as specified at 310 CMR 40.0870 or Release Abatement Measure as specified in 310 CMR 40.0440, provided:

- (a) such **remedial actions** are conducted under a **valid Tier Classification or Extension thereof; and**
- (b) public involvement applicable to Phase IV Comprehensive Remedial Action or Release Abatement Measure is conducted.



Relevant Provisions – Tier Classification, cont.

40.0560(7)(a) - If a Permanent Solution Statement, **Temporary Solution Statement** or Remedy Operation Status Submittal **has not been submitted** to the Department for a Tier Classified disposal site prior to the expiration of the Tier Classification, **the person undertaking response actions at such site shall extend the Tier Classification by submitting a Tier Classification Extension Submittal** to the Department.

Relevant Provisions – Status Reports & RMRs

Active Operation and Maintenance means activities related to:

- (a) operating and maintaining an Active Remedial System;
- (b) operating and maintaining an Active Exposure Pathway Mitigation Measure; or
- (c) conducting an Active Remedial Monitoring Program.

Active Remedial Monitoring Program means a remedial action that employs a systematically designed and monitored program of sampling and analyzing environmental media (*e.g.*, application of Remedial Additives, Monitored Natural Attenuation, reactive walls); an Active Remedial Monitoring Program does not employ an Active Remedial System.

Relevant Provisions – Status Reports & RMRs

40.0898(3) - For a disposal site where **Active Operation and Maintenance of a remedial action** is being conducted, in addition to and/or in conjunction with the submittal of Post-temporary Solution Status Reports, a **Remedial Monitoring Report** shall be submitted to the Department on a form established by the Department for such purposes with the first **Post-temporary Solution Status Report** and **every six months thereafter**. In such cases where the Active Operation and Maintenance of a remedial action is not initiated until after the submittal of the first Post-temporary Solution Status Report, the Remedial Monitoring Report shall be submitted concurrently with the next Post-temporary Solution Status Report.

Relevant Provisions – Periodic Review

40.1050(4) For all Temporary Solutions where achievement of a Permanent Solution is not currently feasible as described at 310 CMR 40.1050(1)(e)1., except those achieved after a Downgradient Property Status Submittal has been provided to the Department in accordance with 310 CMR 40.0180:

- (a) a copy of the plan as specified in 310 CMR 40.0861(2)(h) that presents definitive and enterprising steps to be taken toward achieving a Permanent Solution at the disposal site or portion of a disposal site shall be submitted with the Temporary Solution Statement; and
- (b) a **Periodic Review of the Temporary Solution shall be conducted every fifth year after the date of filing the Temporary Solution Statement**, until such time that a Permanent Solution Statement is submitted. Such Periodic Review Opinion shall address the following...

Temp Solns: TC and Status Reports

Temporary Solution Category	Count	Valid Tier Classification	Count	Post TMPS Status Report within 2 years	Count
PS Not Feasible	523				
		No Valid TC	485		
				No	287
				Yes	198
		Valid TC	38		
				No	23
				Yes	15
PS Feasible	239				
		No Valid TC	145		
				No	82
				Yes	63
		Valid TC	94		
				No	24
				Yes	70

Periodic Reviews

Temporary Solution Category	Count	Periodic Review of TMPS within Past 5 Years	Count
PS Not Feasible	403	No	171
		Yes	232
PS Feasible	118	No	102
		Yes	16

Remedial Monitoring Reports

Temporary Solution Category	Count	Valid Tier Classification (1)	Count	RMR within 2 years (2)	Count
PS Not Feasible	523				
		No Valid TC	485		
				No	360
				Yes	125
		Valid TC	38		
				No	27
				Yes	11
PS Feasible	239				
		No Valid TC	145		
				No	105
				Yes	40
		Valid TC	94		
				No	39
				Yes	55

Discussion Questions

1. What types of actions are completed after a Temporary Solution to achieve a Permanent Solution?
2. For Temporary Solution sites, what are the barriers remaining to achieve a Permanent Solution?
3. What is the purpose of collecting groundwater samples for sites after a Temporary Solution is achieved?
4. What is the typical interval for groundwater monitoring (not related to MNA, which is considered an Active Remedial Monitoring Program) for sites with a Temporary Solution?
5. Should six month Status reports be required for groundwater monitoring at Temporary Solution sites? Annual Status Reports?
6. Are there Temporary Solutions (where a PS is Feasible) where no ongoing remedial actions are being completed?
7. Do LSPs track due dates for 5-Year Periodic Reviews of Temporary Solution?
8. Should a valid Tier Classification be required for disposal sites with a Temporary Solution where no remedial actions are currently being conducted?
9. For sites that achieve a Temporary Solution, there are no deadlines for next steps (other than the 5 year Periodic Review where a PS is Infeasible). If a PS is Feasible, what should be the deadline for implementing the remedy?